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April 12, 2019

Hon. Ona T. Wang  
United States Magistrate Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

RE: Gym Door Repairs, Inc. v. Young Equipment Sales, Inc.  
Docket No. : 15-CV-4244  
Our File No. : 11261

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Dear Judge Wang:

As ordered by the Court [ECF 742}, this is a joint status letter on behalf of Defendants, Counterclaim Plaintiffs, and Third-Party Plaintiffs: Qpala Enterprises, Inc. (dba Guardian Gym Equipment), James Petriello (the “Guardian Parties”) and Tri-state Folding Partitions, Inc., and Peter Mucciolo (the “Tri-State Parties”) (jointly referred to as “Defendants”) and Plaintiffs and Counterclaim Defendants Gym Door Repairs, Inc. and Safe Path Systems, LLC and Third-Party Defendants Kathleen Cole and Stephen Cole (hereafter jointly the “Gym Door Parties”).

**1. Procedural Posture of the Case:** The Court, in its Order and Opinion of September 19, 2018 [ECF 685] granted the Guardian and Tri-State Parties’ joint motion for partial summary judgment against the Gym Door Parties. That Order and Opinion dismissed Gym Door Parties’ entire complaint against the Tri-State and Guardian Parties.

By the granting the Tri-State and Guardian Parties’ motion there is left the Tri-State and Guardian Parties’ Counterclaim and Third-Party Complaint against the Gym Door Parties for: abuse of process, tortious interference with business relationships, and tortious interference with prospective business relationships.

No additional procedural issues need to be resolved.

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The parties have not consented that the proposed motion be brought before the Magistrate-Judge.

2. **Proposed Briefing Schedule:** The Tri-State, Guardian, and Gym Door Parties propose the following briefing schedule:

The Tri-State and Guardian Parties shall file their joint motion to amend their counterclaims and third-party complaint with respect to the count for abuse of process and to seek sanctions including the award of attorneys' fees in two (2) weeks from the date the Court grants this briefing schedule.

The Gym Door Parties shall file any opposition to the Tri-State and Guardian Parties' motion in two (2) weeks from the date the Tri-State and Guardian Parties' file their motion.

The Tri-State and Guardian Parties shall file any reply to the Gym Door Parties' opposition in one (1) week from the date the Gym Door Parties file their opposition.

In the event that the Gym Door Parties make and file a cross-motion with their opposition as provided above, then the schedule shall be:

The Tri-State and Guardian Parties shall have two (2) weeks from the date of filing by the Gym Door Parties of their cross-motion file to file any opposition to that cross-motion and, also, reply to the Gym Door Parties opposition.

The Gym Door Parties shall have one (1) week from the date of the filing by Tri-State and Guardian Parties of their opposition to the Gym Door Parties cross-motion.

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Respectfully submitted,  
FURGANG & ADWAR, L.L.P.

/Philip Furgang/  
PHILIP FURGANG (PF-5654)

PF:cr